

ORIGINAL

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JAN 16 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Calling Party Pays Service Option)
in the Commercial Mobile Radio Services)

WT Docket No. 97-207

To: The Commission

REPLY
COMMENTS

Source One Wireless II, L.L.C. ("Source One"), by its attorneys and pursuant to Notice of Inquiry, in Wireless Telecommunications Docket No. 97-207, hereby submits its Reply Comments on the Notice of Inquiry ("NOI"). The Federal Communications Commission ("FCC" or "the Commission") invited comments on the NOI to be filed by December 16, 1997 and Reply Comments on January 16, 1998.

I.

BACKGROUND

Source One, a paging service provider who offers "Calling Party Pays" ("CPP") paging, is one of the commentors in the above-referenced proceeding. In its Comments, Source One supported the Commission's efforts in the NOI to encourage and facilitate competition in the local exchange telephone market and to increase consumer options in the market. Source One suggested that the Commission should encourage the development of a uniform method to inform the calling party of the CPP charge and industry standards-setting groups to develop uniform signaling and data procedures; and, if need be, protect CPP providers from actions by states and LECs which would undermine the ability to provide such services.

No. of Copies rec'd _____
List A B C D E

059

Of the approximately 30 commentors in the proceeding, two argue that existing reciprocal compensation rules eliminate the need for the CPP service option. The remaining commentors are either proponents of CPP or interested in exploring that option, with the majority favoring, in varying degrees, FCC involvement in CPP. Most of those who oppose the FCC's involvement are local exchange carriers, who argue that the FCC has no jurisdiction over what they term a billing practice. All parties favored CPP as an option only.

II.

DISCUSSION

A. Commission Involvement

While Source One calls for Commission encouragement of the development of a uniform method to inform the calling party of the CPP charge and industry standards-setting groups to develop uniform signaling and data procedures, it does not advocate the need for a full regulatory structure for CPP.

Initially, Source One agrees with commentors who state that the Commission should focus its resources on helping the industry solve the problems of "leakage," which is the inability to bill and collect for calls made to CPP numbers. See, e.g., CTIA's Comments at page 3. From the various comments, it can be seen that this problem is a major hindrance to the expansion of CPP. As Sprint suggested in its Comments at page 5, one of the ways to begin to solve the "leakage" problem is to standardize the record exchange process. Motorola states that other billing issues include the establishment of procedures to enable the transmission of customer billing information and development of standardized method or methods for billing "transient" calling parties. See Motorola Comments at page 16.

Further, many parties agree with Source One that the Commission should encourage the formulation of uniform standards governing additional technical matters

and network technology choices. Commentors favorably discussed SS7 which permits more efficient interconnection between CMRS carriers and LECs and offers an easier way to manage CPP. Source One continues to stress that the industry should be encouraged to employ such protocol for CPP.

Additionally, Source One submits that Commission staff should participate in any industry discussions on these issues to provide insight into the Commission's policies and to facilitate the resolution of disagreements between the parties.

Finally, the Commission should resolve the issues surrounding customer notification issue in a uniform manner, understanding that on this pretext, both states and LECs have provided obstacles to CPP. As Source One stated in its Comments, LECs have used the Telephone Disclosure and Dispute Resolution Act ("TDDRA") as an excuse not to bill this service. Further, several commentors have cited instances in which states have delayed CPP on the consumer notification issue. Therefore, as many commentors point out, it is important that this notification issue be resolved nationally in order to prevent different and perhaps inconsistent state requirements and to overcome any LEC objections to providing CPP.

F. Commission Jurisdiction

As indicated above, Source One has been met with some reluctance from certain LECs in connection with the billing of CPP. See also, Comments of AirTouch Communications, Inc., regarding its experience in California. Other commentors have mentioned state proceedings which have delayed CPP, notably in Arizona, California, Montana and Washington. See Comments of the Cellular Telecommunications Industry Association, page 12.

From the various reports, it appears that these obstacles are real and should be addressed. The issue is whether the FCC has the jurisdiction to do so. In the Comments stage of this proceeding, a minority of the commentors argue that CPP is a billing

practice, jurisdiction over which should be left to the states, an issue that the Commission re-affirmed in 1996. See, e.g., Comments of SBC Communications Inc. on the Notice of Inquiry, page 3. On the other hand, most CMRS carriers argue that CPP is a CMRS service over which the Commission has jurisdiction as indicated in the Communications Act of 1934, as amended, the Telecommunications Act of 1996, the legislative history of these provisions and the recent decision in Iowa Utilities Board, 1997 WL 403401 (8th Circ., July 18, 1997), at n.21. On that basis, CMRS providers advocate varying degrees of Commission involvement in CPP, ranging from no regulation to full regulatory oversight. In its Comments, AT&T Wireless Services, Inc. appeared to strike the balance, when it stated that while it is not necessary for the Commission to adopt specific rules to promote CPP, "the Commission should make clear that it will step in" to prevent obstacles by either the LECs or the states. This approach, which avoids over-regulation but insures Commission oversight appears to be the proper treatment for the fledgling CPP service.

CONCLUSION

Source One supports the Commission's Inquiry on CPP and encourages the Commission to address the issues raised herein in appropriate proceedings to insure that the CPP option is available in the marketplace.

Respectfully submitted,

SOURCE ONE WIRELESS II, L.L.C

By:



David L. Hill

Audrey P. Rasmussen

Its Attorneys

O'Connor & Hannan, L.L.P.
1919 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20006-3483
(202) 887-1431

Dated: January 16, 1998

61785_1.DOC

CERTIFICATE OF SERVICE

I, Gladys L. Nichols, do hereby certify that on this 16th day of January 1998, the foregoing **REPLY COMMENTS** were served to the following persons by first-class mail, postage prepaid:

Chairman William E. Kennard *
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

Commissioner Susan Ness *
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Commissioner Michael K. Powell *
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

Commissioner Gloria Tristani *
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Commissioner Harold Furchtgott-Roth *
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

Dr. Joseph Levin *
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

Daniel Phythyon, Chief *
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

David Furth, Chief *
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2100 M Street, N.W., 7th Floor
Washington, D.C. 20554

Dr. Pamela Megna *
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

International Transcription Service *
1919 M Street, N.W., Room 246
Washington, D.C. 20554

Anne Levinson
William R. Gillis
Washington Utilities and Transportation
Commission
1300 S. Evergreen Drive, SW
Olympia, WA 98504-7250

Laurie J. Bennett
U.S. West, Inc.
1020 19th Street, N.W., Suite 700
Washington, D.C. 20036

Victor L. Jackson
2377 Seminole Drive
Okemos, MI 48864

S. Mark Tuller
Bell Atlantic Mobile, Inc.
180 Washington Valley Road
Bedminster, NJ 07921

James O. Pachulski
Bell Atlantic Mobile, Inc.
1320 N. Courthouse Road, 8th Floor
Arlington, VA 22801

Robert Lynch
Durward D. Dupree
One Bell Center
Room 3524
St. Louis, MO 63101

Frederick Joyce
Joyce & Jacobs
1019 19th Street, N.W.
14th Floor, Penthouse 2
Washington, D.C. 20036

Kathleen Q. Abernathy
David A. Gross
AirTouch Communications
1818 N Street, N.W., Suite 800
Washington, D.C. 20036

Nancy C. Wolf
Jeffrey B. Thomas
140 New Montgomery Street, Room 1529
San Francisco, CA 94105

Michael F. Altschul
Randall Coleman
CTIA
1250 Connecticut Avenue, N.W., Ste 200
Washington, D.C. 20036

Charles D. Cosson
AirTouch Communications
One California Street, 29th Floor
San Francisco, CA 94111

Howard J. Symons
Sara F. Seidman
Michelle M. Mundt
Mintz, Levin, Cohn, Ferris, Glovsky &
Popeo, P.C.
701 Pennsylvania Avenue, N.W., Ste 900
Washington, D.C. 20004

Cathleen A. Massey
Douglas I. Brandon
AT&T Wireless Services, Inc.
1150 Connecticut Avenue, N.W., Ste 400
Washington, D.C. 20036

Andre J. Lachance
GTE Service Corp.
1850 M Street, N.W., Suite 1200
Washington, D.C. 20036

Mary E. Brooner
Motorola, Inc.
1350 I Street, N.W., Suite 400
Washington, D.C. 20005

Jay C. Keithley
Sprint Corporation
1850 M Street, N.W., 11th Floor
Washington, D.C. 20036-5807

James U. Troup
Aimee M. Cook
Arter & Hadden, L.L.P.
1801 K Street, N.W., Suite 400
Washington, D.C. 20036

Christopher Savage
Theresa A. Zeterburg
Karlyn D. Stanley
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20006

Mark J. Golden
PCIA
500 Montgomery Street, Suite 700
Alexandria, VA 22314-1561

Caressa D. Bennet
Dorothy E. Cukier
Bennet and Bennet, P.L.L.C.
1019 19th Street, N.W., Suite 500
Washington, D.C. 20036

Sandra K. Williams
Sprint Corporation
P.O. Box 11315
Kansas City, MO 64112

Mark J. O'Connor
Piper & Marbury, L.L.P.
1200 19th Street, N.W., 7th Floor
Washington, D.C. 20036-2430

Raymond G. Bender, Jr.,
J.G. Harrington
Laura S. Roeklin
Dow, Lohnes & Albertson, P.L.L.C.
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036

William B. Barfield
Jim O. Lewellyn
BellSouth Corporation
1155 Peachtree Street, NE, Suite 1800
Atlanta, GA 30309-2641

Peter Connolly
Koteen & Naftalin
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036

Richard Wolf
Illuminet, Inc.
4501 Intelco Loop
P.O. Box 2902
Olympia, WA 98507

David G. Frolio
BellSouth Corporation
1133 21st Street, N.W., Suite 900
Washington, D.C. 20036

David Gusky
TRA
1730 K Street, N.W., Suite 1201
Washington, D.C. 20006

Linda Oliver
Hogan & Hartson, L.L.P.
555 13th Street, N.W.
Washington, D.C. 20004

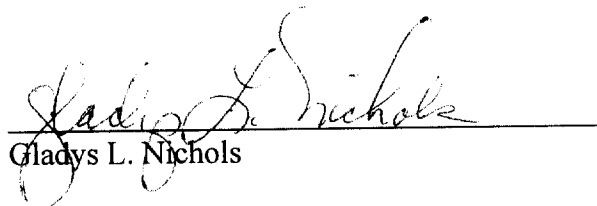
Jonathan M. Chambers
Robert C. Sherman
Sprint Spectrum, L.P.
1801 K Street, N.W., Suite M-112
Washington, D.C. 20006

Kurt A. Wimmer
Robert A. Long
Niranjan Arasaratnan
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20044

Judith St. Ledger-Roty
Peter A. Batacan
Kelley, Drye & Warren, L.L.P.
1200 19th Street, N.W., 5th Floor
Washington, D.C. 20036-2423

Mary McDermott
Linda Kent
Keith Townsend
Hance Haney
USTA
1401 H Street, N.W., Suite 600
Washington, D.C. 20005

Albert H. Kramer
Jacob S. Farber
Dickstein, Shapiro, Morin & Oshinsky, L.L.P.
2101 L Street, N.W.
Washington, D.C. 20037-1527


Gladys L. Nichols

*** Hand Delivered**